



March 23, 2001

ENGROSSED HOUSE BILL No. 1344

DIGEST OF HB 1344 (Updated March 22, 2001 12:24 PM - DI 92)

Citations Affected: IC 8-3; IC 8-6.

Synopsis: Industrial rail service fund. Removes a provision that allows money from the industrial rail service fund to be used for a grant to serve as local matching funds in carrying out a demonstration project for the relocation of railroad lines from the central area of a city under the Federal-Aid Highway Act of 1973. Provides that \$50,000 annually from the industrial rail service fund shall be provided to the department of transportation for rail planning activities, and allows for grants to a Class II or a Class III railroad for the rehabilitation of infrastructure or new railroad construction. Specifies the passive railroad crossing safety improvement projects: (1) by local units of government; and (2) submitted by railroad companies that the railroad grade crossing fund may be used for by the Indiana department of transportation.

Effective: July 1, 2001.

Lytle, Aguilera, Goodin, Saunders

(SENATE SPONSORS — JACKMAN, SIPES)

January 9, 2001, read first time and referred to Committee on Roads and Transportation.
February 21, 2001, amended, reported — Do Pass.
February 27, 2001, read second time, amended, ordered engrossed.
February 28, 2001, engrossed.
March 5, 2001, read third time, passed. Yeas 92, nays 3.

SENATE ACTION

March 7, 2001, read first time and referred to Committee on Transportation and Interstate Cooperation.
March 22, 2001, amended, reported favorably — Do Pass.

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EH 1344—LS 7520/DI 87+



March 23, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED HOUSE BILL No. 1344

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-3-1.7-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) There is created
3 a fund known as the industrial rail service fund. The fund shall consist
4 of money distributed to the fund by IC 6-2.5-10-1 and IC 8-3-1.5-20.
5 Amounts held in the fund may only be used to do the following:
6 (1) Provide loans to railroads that will be used to purchase or
7 rehabilitate real or personal property that will be used by the
8 railroad in providing railroad transportation services.
9 (2) Pay operating expenses of the Indiana department of
10 transportation, subject to appropriation by the general assembly.
11 (3) ~~Make a grant to serve as local matching funds in carrying out~~
12 ~~a demonstration project for the relocation of railroad lines from~~
13 ~~the central area of a city by the Federal Highway Administration~~
14 ~~under Section 163 of the Federal-Aid Highway Act of 1973~~
15 ~~(P.L.93-87), as amended. Provide fifty thousand dollars~~
16 ~~(\$50,000) annually to the Indiana department of~~
17 ~~transportation for rail planning activities. Money distributed~~

EH 1344—LS 7520/DI 87+



under this subdivision does not revert back to the state general fund at the end of a state fiscal year.

(4) Provide money for the high speed rail development fund under IC 8-23-25.

(5) Provide grants to a railroad owned or operated by a port authority established under IC 8-10-5.

(6) Make grants to a Class II or a Class III railroad for the rehabilitation of railroad ~~tracks~~: **infrastructure or railroad construction.**

(b) This subsection is effective until July 1, 1995: A grant made under subsection (a)(3) may not exceed forty percent (40%) of the gross sales and use tax receipts deposited in the fund (under IC 6-2.5-10-1) during the fiscal year preceding the fiscal year in which the grant is made.

(c) This subsection is effective after July 1, 1995: A grant made under subsection (a)(3) may not exceed twenty-five percent (25%) of the gross sales and use tax receipts deposited in the fund (under IC 6-2.5-10-1) during the fiscal year preceding the fiscal year in which the grant is made.

~~(d)~~ (b) A grant made under subsection (a)(5) may not exceed twenty percent (20%) of the gross sales and use tax receipts deposited in the fund under IC 6-2.5-10-1 during the fiscal year preceding the fiscal year in which the grant is made.

(e) No demonstration project may receive more than one (1) grant under subsection (a)(3) in any fiscal year.

~~(f)~~ (c) A grant program under subsection (a)(6) must:

- (1) provide a grant to a recipient of not more than seventy-five percent (75%) of the cost of the project; and
- (2) require a grant recipient to pay for not more than twenty-five percent (25%) of the cost of a project.

SECTION 2. IC 8-6-7.7-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.1. (a) The railroad grade crossing fund is created.

(b) The railroad grade crossing fund may be used by the Indiana department of transportation for the following purposes:

- (1) To carry out the provisions of this chapter.
- (2) For passive railroad crossing safety improvement projects **by a unit of government, including:**
 - (i) illumination;
 - (ii) pavement markings;
 - (iii) median barriers;
 - (iv) signage; and



- 1 (v) other safety improvement measures.
2 (3) For passive railroad crossing safety projects submitted by
3 railroad companies, including:
4 (i) illumination;
5 (ii) sight obstruction removal;
6 (iii) signage;
7 (iv) reflectorized taping; and
8 (v) other safety improvement measures.
9 (c) Notwithstanding subsection (b), an entity undertaking a
10 passive railroad crossing safety project under this section shall pay
11 the cost of acquiring any easements required by the passive
12 railroad crossing safety project and shall be responsible for the
13 maintenance and operation of the completed project.
14 (c) (d) The balance of money in the railroad grade crossing fund
15 does not revert to the state general fund at the close of any fiscal year
16 but remains available to the Indiana department of transportation.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1344, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "not more than".

Page 1, line 16, delete "to fund a study to determine the needs of" and insert "**annually to the department for rail planning activities. Money distributed under this subdivision does not revert back to the state general fund at the end of a state fiscal year.**".

Page 1, delete line 17.

and when so amended that said bill do pass.

(Reference is to HB 1344 as introduced.)

COOK, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1344 be amended to read as follows:

Page 2, after line 29 , begin a new paragraph and insert:

"SECTION 2. IC 8-6-7.7-6.1 IS AMENDED TO READ AS FOLLOWS: Sec. 6.1. (a) The railroad grade crossing fund is created.

(b) The railroad grade crossing fund may be used by the Indiana department of transportation for the following purposes:

- (1) To carry out the provisions of this chapter.
- (2) For passive railroad crossing safety improvement projects **by a unit of government, including:**

- (i) illumination;
- (ii) pavement markings;
- (iii) median barriers;
- (iv) signage; and
- (v) other safety improvement measures.

- (3) For passive railroad crossing safety projects submitted by railroad companies, including:

- (i) illumination;
- (ii) sight obstruction removal;
- (iii) signage;
- (iv) reflectorized taping; and
- (v) other safety improvement measures.

(c) **Notwithstanding subsection (b) of this section, the railroad company shall pay the cost of acquiring any easements required by the passive railroad crossing safety project and shall be responsible for the maintenance and operation of the completed project.**

(c) (d) The balance of money in the railroad grade crossing fund does not revert to the state general fund at the close of any fiscal year but remains available to the Indiana department of transportation."

(Reference is to HB 1344 as printed February 22, 2001.)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Interstate Cooperation, to which was referred House Bill No. 1344, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 16, after "to the" insert "**Indiana**".

Page 1, line 16, after "department" insert "**of transportation**".

Page 2, line 8, after "infrastructure" insert "**or railroad construction**".

Page 2, line 31, after "FOLLOWS" insert "[EFFECTIVE JULY 1, 2001]".

Page 2, line 41, reset in bold "measures".

Page 3, line 7, delete "of this section, the railroad" and insert ",".

Page 3, line 8, delete "company" and insert "**an entity undertaking a passive railroad crossing safety project under this section**".

and when so amended that said bill do pass.

(Reference is to HB 1344 as reprinted February 28, 2001.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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